

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, January 11, 2010

Those Present: Mr. James E. McClellan, Chairman
Mr. Robert C. Snyder, Board Member
Mr. Charles R. Cline, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:30 am by Chairman McClellan.

1. **Josephine's** – Ms. Vahle received a statement from the landlord's Attorney stating that the licensees had vacated the premises. Ms. Vahle contacted the Sheriff's Office Deputies and the Comptroller's Agents to excuse them from attending the Hearing. Mrs. Thall stated that the Regulations provide that the license has to be formally turned in within 10 days or the license is void. She also stated that the Hearing had not been officially cancelled because it was not known whether the licensees might show up for the hearing. If the licensees did appear for the hearing, the Liquor Inspector would testify about the violations that he investigated. The Board could postpone the remainder of the Hearing until the other witnesses could be called back.
2. **Tasting Room** – Ms. Vahle stated she noticed that this establishment was closed and that this licensee did not report that they were going to be closed to do renovations. Typically this would be a violation and the licensees would be brought in for a Hearing, but she would like to send them a No Contest letter. She is preparing guidelines for a minor violation for a first time offense for the Board.

MOTION ONE: Mr. Snyder made a motion to approve.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline - Aye
Mr. McClellan – Aye

Aye – 3 Nay – 0

(Motion Passed)

Ms. Vahle asked the Board to set a fine for not notifying the Board that they were going to be closed for renovations.

MOTION ONE: Mr. Snyder made a motion for a fine of \$50.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline - Aye
Mr. McClellan – Aye

Aye – 3 Nay – 0

(Motion Passed)

3. **Buffalo Wings and Beer** – Ms. Vahle stated that because there had been some confusion about whether or not the Board received the request for approval for a Give-away promotion, the Board previously voted to give them the benefit of the doubt. If this violation happened again, they would be charged.

MOTION ONE: Mr. Cline made a motion to bring the licensees in for a Violation Hearing.

SECOND: No second was made.

MOTION TWO: Mr. Snyder made a motion to give them the benefit of the doubt and if it happens again to bring them in for a Violation Hearing.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Nay
Mr. Snyder - Aye
Mr. McClellan – Aye

Aye – 2 Nay – 1

4. **Mirage** – Mr. Cline asked if the City Police had sent a report regarding the fight at this establishment. Ms. Vahle said she had contacted the City several times but did not get a response yet.
5. **Bills for the Delegation** – Mr. Cline discussed two bills the Delegation was considering. One was for the Direct Shipment of Wine and the other was for a Corkage Bill. Ms. Vahle clarified the two bills; one is concerning shipping wine into Maryland, which the Board has no jurisdiction over. The second is the Corkage Bill allowing people to bring in their own bottles of wine to be served during their meals. She stated that Delegate Paul Stull is aware that the Board is not in favor of the Corkage Bill, because patrons bringing in their own bottle of wine could cause enforcement problems. Mr. Snyder also spoke to Delegate Stull and told him the Board was against this bill.
6. Decision Required: Transfer of License

TRANSFER FROM:

RE: Mary C. Hamilton
t/a **Hamilton's Lounge**
11037 Liberty Rd.
Frederick, MD 21701
Class B, On Sale, Beer and Light Wine

TRANSFER TO:

RE: James E. Summers and
Michelle Martz Bowles
for the use of James E.
Summers Enterprises, Inc.
t/a **Summers Country
Corner**
11037 Liberty Rd.
Frederick, MD 21701
Class B, On Sale, Beer and Light Wine

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items were the: Zoning approval, Occupancy Permit, the Health Department permit, Fire Marshal, the final Lease, Bulk Transfer Affidavit and the Bulk Transfer Permit, and the Liquor Inspector's report. Ms. Bowles stated that they were applying for the zoning and occupancy permit, the Health and Fire Marshal are scheduled, Bulk Transfer has been filled out and will mail out to the State. The Inspector stated they are not compliant. He will need to go out for another Inspection.

MOTION ONE: Mr. Snyder made a motion for a conditional approval for February 26, 2010.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline - Aye
Mr. McClellan – Aye

Aye – 3 Nay – 0

(Motion Passed)

5. Decision Required: Transfer of License

TRANSFER FROM:

RE: Annie Chemmanoor,
Anthony Chemmanoor &
Darrell Guyton
for the use of Bombay Grill of
Frederick, Inc
t/a **Bombay Grill of
Frederick**
137 N. Market Street
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

TRANSFER TO:

RE: Jaikishan Sachdev & Pritinder
Khara

for the use of JPS Enterprises,
Inc
t/a **Bombay Grill of
Frederick**
137N. Market Street
Frederick, MD 21701

Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are the: Occupancy Permit, Taxes, Bulk Transfer Affidavit, the Bulk Transfer Permit. The licensee stated he applied for the Bulk Transfer and also the Occupancy Permit and they are working with Comptroller on the taxes. The Inspector stated they are compliant.

MOTION ONE: Mr. Cline made a motion for a conditional approval for February 26, 2010.

SECOND: Mr. Snyder seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE:

Mr. Cline – Aye
Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

6. Decision Required: New License

RE: Rohan Codlin for the use of
Caribbean Soul Restaurant,
LLC
t/a **Caribbean Soul
Restaurant, LLC**
480-A Prospect Blvd.
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending item is the:

Workers Comp binder. The licensee stated he would call for the Workers Comp. The Liquor Inspector stated they are compliant.

MOTION ONE: Mr. Snyder made a motion for conditional approval for February 26, 2010.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

7. Decision Required: Violation Hearing

RE: Marjorie Schroeder & Samuel
Schroeder
For the use of Josephine's
Restaurant, LLC
t/a **Josephine's Restaurant**
11791 Fingerboard Road Suite 10
Monrovia, Maryland 21770
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 1395
FCLB Case Number: 3549

The licensees failed to appear for their scheduled violation hearing on 18 violation charges. Ms. Vahle received a letter from the attorney who represents the landlord stating that the licensees abandoned the property on or about January 1, 2010 and the keys were turned in to the landlord. The Inspector reported that the establishment is closed with a sign on the door. Mrs. Thall stated that the license is null and void under the Board's Regulations.

8. Decision Required: Approval of the Public Meeting Minutes for December 14, 2009.

The Public Meeting Minutes of December 14, 2009 were approved.

MOTION: Mr. Snyder made a motion to approve the minutes for December 14, 2009.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline-Aye
Mr. McClellan-Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

ADJOURN

The meeting was adjourned at 9:56 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees